APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,619	01/12/2001	Keith Schwols	10990068-1	2399

7590   12/20/2002

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO   80527-2400

EXAMINER
HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No. ⬤	Applicant(s)	
	09/759,619	SCHWOLS, KEITH	
Office Action Summary	Examiner	Art Unit	
	Monplaisir G Hamilton	2172	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2001* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other:

DETAILED ACTION

1.   Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

2.   Claim 1 recites the limitation "removable storage device" in line 9. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests replacing "removable" with secondary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

5638509, issued to Dunphy, herein referred to as Dunphy further in view of US 6370,545, issued

to Shaath et al, herein referred to as Shaath.

Dunphy discloses a method for protecting, tracking, and retrieving data on a computer

system (col 1, lines 45-48; col 2, lines 40-45; col 5, lines 5-9), said method comprising the steps

of: connecting a database to an existing operating system and to existing file management

software on said computer system (Fig 1; col 6, lines 5-9; col 40-45; col 3, lines 35-38); selecting

at least one file to be protected from primary storage device in said computer system (col 3, lines

21-24); copying said at least one file from said primary storage device to a secondary storage

device in said computer system by activating said existing file management software to perform

said copying (col 2, lines 40-45; col 5, lines 30-44), creating at least one database record when

copying said at least one file from said primary storage device to said secondary storage device,

wherein said at least one database record contains tracking information about said at least one

file and about said copying (col 4, lines 25-30, 40-46); storing said at least one database record in

said database (col 2, lines 1-5); and displaying said at least one database record, through a user

interface for said existing file management software on a screen display in a graphics display device of said computer system (Fig 4; col 8, lines 49-55), wherein said at least one database record is displayed graphically as a virtual file representing said at least one file. (col 8, lines 54-55).

Dunphy does not explicitly disclose said at least one removable storage medium has a unique identifier.

Shaath discloses allocating a unique and fixed identifier in the form of a drive name to removable media.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dunphy to provide the removable storage media with unique identifiers. One of ordinary skill in the art would have been motivated to do this because it would provide a non-volatile path to the stored information (col 5, lines 3-6).

4.   Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable US 5638509, issued to Dunphy, herein referred to as Dunphy and US 6370,545, issued to Shaath et al, herein referred to as Shaath as applied to Claim 1 above, and further in view of Basic Software Algorithms by Samsung Electronics, herein referred to as Samsung.

Referring to Claims 2 and 5:

Dunphy and Shaath disclose the limitations as discussed in Claim 1 above. Shaath further discloses (c1) creating a globally unique identifier (GUID) (col 5, lines 3-5), (c3) assigning said character string as said unique name for said removable storage medium (col 5, line 4).

Shaath does not explicitly disclose " (c2) converting said GIUD into a character string;"

Samsung discloses a method for converting hexadecimal to (ASCII) a character string

(Section 16, page 19).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify the teachings of Dunphy and Shaath to convert the unique identifier

from hexadecimal to a character string. One of ordinary skill in the art would have been

motivated to do this because it would provide a nonvolatile name that is easily understood for the

removable storage (col 5, lines 2-4).

Referring to Claims 3 and 6:

Dunphy, Shaath and Samsung disclose the limitations as discussed in Claim 2 above.

Samsung further discloses converting each hexadecimal digit of said GUID into a single charter

of said character string (Section 16-19).

5.   Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

6370,545, issued to Shaath et al, herein referred to as Shaath further in view of Basic Software

Algorithms by Samsung Electronics, herein referred to as Samsung.

Referring to Claim 7:

Shaath discloses a computer system method for creating a unique identifier for a

removable storage medium (col 3, lines 55-60) comprising the steps of: (a) creating a globally

unique identifier (GUID) (col 5, lines 3-5) (c) assigning said character string as said unique name

for said removable storage medium (col 5, line 4)

Shaath does not explicitly disclose "(b) converting said GIUD into a character string"

Samsung discloses a method for converting hexadecimal to (ASCII) a character string (Section

16, page 19).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to modify the teachings Shaath to convert the unique identifier from hexadecimal

to a character string. One of ordinary skill in the art would have been motivated to do this

because it would provide a nonvolatile name that is easily understood for the removable storage

(col 5, lines 2-4).

Referring to Claim 8:

Shaath and Samsung disclose the limitations as discussed in Claim 7 above. Samsung

further discloses converting each hexadecimal digit of said GUID into a single charter of said

character string (Section 16-19).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 4 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 3 and 21 of U.S. Patent No. 6212512, issued to Barney et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because Barney discloses that the removable storage devices need to be identified to determine which of the many removable storage media should be mounted (col 2, lines 30-35; col 7, lines 60-63). It would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Barney to include the claimed unique identifier. One of ordinary skill in the art would have been motivated to do this because it would allow the system to mount the correct removable medium when trying to restore a desired data file (col 2, lines 33-36).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6477629 issued to Goshey, Michael M. et al. Goshey discloses an apparatus, a system, a computer readable media, and a method for protecting data of a computer system. The method includes: (a) connecting a peripheral storage device to the computer system; (b) preparing a storage media of the peripheral storage device to be a protection enabled media; (c) selecting a backup set of data stored in a hard drive of the computer system, the backup set of data includes a default set of boot files and operating system files; (d) creating a spare tire backup using file-based copying from the hard-drive of the computer system to the storage media of the peripheral storage device; (e) enabling the peripheral storage device to incrementally copy portions of the backup set of data from the hard drive of the computer system during normal use; and (f) booting the computer system from the peripheral storage device when a failure occurs with the hard drive that disables normal booting.

US 6119131 issued to Cabrera, Luis Felipe et al. Cabrera discloses a method where information regarding volume mount points hosted by a logical volume are stored on the physical device underlying the logical volume so that the relationships between the host logical volume and target logical volumes mounted on the volume mount points can be reconstituted then the system containing the logical volumes is rebooted, when the underlying physical devices are moved with the system, and when the logical volumes are transported to a different system. A data structure stored on the physical device contains the directory name of the

volume mount point and the unique identifier and a globally unique mount name of the target

logical volume mounted at the volume mount point.

US 5940854 issued to Green, Jr., Charles Otis et al. Green discloses a unique and

permanent identifier is provided for removable media. The identifier is preferably recorded in a

previously unused or reserved portion of the media and can be generated from a combination of

the originating drive serial number and the current date and time with a random number

concatenated thereto. When a piece of media is loaded into a drive, the drive examines the

reserved area for the presence of an identifier.

US 5832507 issued to Harper, James M. et al. Harper discloses a method and apparatus

for converting ASCII path names to parsed path name structures provides downward

compatibility so that program modules written for modern operating systems which provide

parsed path name structure inputs may be run under older operating systems which provide

ASCII path name inputs. The method includes, in its most basic form, the steps of converting

the prefix and file name of an ASCII path name to a unicode string, then converting the unicode

string to a parsed path structure.

US 5765154 issued to Horikiri, Kazunori et al. Horikiri discloses a resource management

system, of the type wherein processes are applied to real resources, which are resources

previously input into a computer system that performs information processing, to obtain new

resources, includes a plurality of context maintaining units that respectively establish a

correspondence with attributes. Each of the context maintaining units includes an attribute

maintaining unit that stores in memory attributes of the respective context maintaining unit; a

name analysis unit that performs name analysis on resource names using as input resource

names given to the resources, to obtain name analysis results; and a name conversion unit that

converts name analysis results from the name analysis unit into one of a first resource

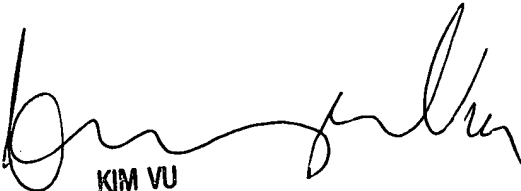realization expression and a second resource realization expression.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-

5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y Vu can be reached on 1703-305-4393. The fax phone numbers for the

organization where this application or proceeding is assigned are 1703-746-7239 for regular

communications and 1703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton
December 16, 2002

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100